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CHAPTER 7 TRUSTEE

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

11 In the Matter of) Case No. 09-60760-A-7
12 DOLORES ANN SMITH, fka) Chapter 7
13 DOLORES ANN ROBERTS,) DC No: TGM-5
14 Debtor.) Date: September 21, 2010
15) Time: 1:30 p.m.
16) Dept. A, 1300 18th Street
17) Bakersfield
18) The Honorable Whitney Rimel

TRUSTEE'S MOTION FOR AUTHORITY TO SELL REAL PROPERTY

19 RANDELL PARKER, Chapter 7 Trustee of the above-captioned
20 case ("Trustee"), respectfully represents as follows:

21 1. Trustee is the duly appointed qualified and acting
22 Trustee of the above referenced Bankruptcy Estate.

23 2. Debtor filed for relief under Chapter 7 of the
24 Bankruptcy Code on November 3, 2009.

25 3. This Court has jurisdiction over this proceeding.

26 28 U.S.C. § 1334(a). This is a core proceeding under 28 U.S.C.
27 §157(b) (2) (A) and (N). This motion is brought pursuant to 11
28 U.S.C. §363(b).

1 4. Venue is proper in this Court pursuant to 28 U.S.C §
2 1409(a) by virtue of the pendency of this case before the Court.

3 5. One of the assets of the bankruptcy estate is real
4 property located at 5655 Taft Highway, Bakersfield, California
5 ("Real Property") more particularly described in the Preliminary
6 Title Report, a true and correct copy of which is filed
7 concurrently herewith and incorporated herein by reference as

8 **Exhibit A.**

9 6. Trustee sought authorization to employ Remax Magic,
10 Inc., 201 New Stine Road, Suite 300, Bakersfield, CA 93309 as
11 broker, which authorization was approved on March 29, 2010.

12 7. Trustee has received an offer from Ajitpal and Karamjit
13 Tiwana, or nominee, ("Buyers") to purchase the Real Property for
14 \$46,000.00. A true and correct copy of the Agreement between
15 Buyer and Trustee is filed concurrently herewith and incorporated
16 herein by reference as **Exhibit B.** Buyer has deposited \$1,000.00
17 into escrow which is non refundable if Buyer fails to perform.

18 8. The purchase price agreed upon with the Buyer is the
19 highest and best offer received by the Trustee to date. The
20 trustee believes the offer is reasonable.

21 9. Although title to the real property is held in the name
22 of Frederick C. Smith and Dolores A. Smith, Husband and Wife, as
23 joint tenants, Trustee is informed and believes and based on
24 Debtor's statements made at the meeting of creditors and her
25 Schedule I, Mr. Smith is deceased.

26 10. According to the Preliminary Title Report, there are
27 delinquent property taxes owed in the approximate amount of
28 \$1,034.44.

1 11. Trustee will incur a broker's commission at 6% in the
2 sum of \$2,760.00 to his broker who is representing both buyer and
3 seller. Trustee requests that the commission be authorized to be
4 paid out of escrow to the brokers.

5 12. Assuming 2% cost of sale, the net to the estate will be
6 approximately as follows:

Sales Price:	\$46,000.00
Broker Commission:	(2,760.00)
Cost of Sale:	(920.00)
Property Taxes:	(1,034.44)
 Total:	 \$41,285.56

11 13. Trustee has determined that there will be no adverse
12 tax consequences.

13 14. Trustee believes that it is in the best interest of the
14 estate and creditors to sell the property to Buyers on the terms
15 stated in the Purchase Contract. Trustee does not believe he can
16 receive a better price if the property stays on the market for a
17 longer period of time.

18 15. Because the actual payoffs on the liens may vary up or
19 down, the net to the estate may vary.

20 16. This offer is subject to higher and better bids
21 received on or before the date of the hearing. All bids must be
22 in writing and have no contingencies, and potential bidder must
23 bring certified funds in the amount of \$1,000.00 made payable to
24 the Bankruptcy Estate of Dolores Ann Smith which is refundable if
25 that bid is not the highest bid. Any over bid must be in
26 \$1,000.00 increments.

27 17. Trustee also requests that the ten day provision of
28 Fed. B. Bankr. P. Rule 6004(g) be waived.

WHEREFORE, trustee prays as follows:

1. That the Motion be granted.

3 2. That Trustee be authorized to sell The Property to
4 Ajitpal and Karamjit Tiwana, or nominee, ("Buyers") to purchase
5 the Real Property for \$46,000.00, on the terms set forth above,
6 subject only to higher and better bid at the hearing on the
7 confirmation of the sale.

8 3. That Trustee be authorized to pay to his real estate
9 broker connected with this sale a commission of 6% of the gross
10 sale amount.

11 4. That the net sales proceeds after payment of property
12 taxes, if any, encumbrances, broker's commission and costs of
13 sale be paid to the Trustee and maintained in an interest bearing
14 account pending further order of the Court.

15 5. That the Trustee be authorized to sign all documents
16 necessary to effectuate the sale pursuant to the above mentioned
17 terms; and

18 6. That the ten day provision of Fed.B.Bankr.P. Rule
19 6004(q) be waived.

20 7. For such other and further relief as is just and
21 proper.

22 || Dated: 8-12-10

/s/ TRUDI G. MANFREDO
Trudi G. Manfredo
Attorney for Trustee